

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

837575

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Attorneys for U.S. Bank Trust, N.A., As Trustee For LSF11
Master Participation Trust

In Re:

Rosemarie Traynor



Order Filed on June 16, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 19-28352 - JKS

Hearing Date: May 28, 2020

Judge: John K. Sherwood

Recommended Local Form:

☐

Followed

☒

Modified

ORDER RESOLVING MOTION TO REINSTATE AUTOMATIC STAY TO SECURED CREDITOR

The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

DATED: June 16, 2020

A handwritten signature in black ink, appearing to read "J K Sherwood".

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: U.S. Bank Trust, N.A., As Trustee For LSF11 Master Participation Trust
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: Camille J. Kassar, Esquire
Property Involved ("Collateral"): 22-13-81 Tuscarora Drive, Pocono Lake, PA 18347

Relief sought: ☒ **Motion to Reinstate Automatic Stay**
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is hereby granted and the Automatic Stay as to U.S. Bank Trust, N.A., As Trustee For LSF11 Master Participation Trust is hereby reinstated, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for **8** months, from **October 1, 2019** to **May 1, 2020**.

☒ The Debtor is overdue for **8** payments at **\$639.95** per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☐ Applicant acknowledges suspense funds in the amount of \$_____.

Total Arrearages Due \$5,119.60.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of **\$5,119.60**. Payment shall be made no later than **June 2, 2020**.

☒ Beginning on **June 1, 2020**, regular monthly mortgage payments shall continue to be made.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry

of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Caliber Home Loans, Inc.
P.O. Box 650856
Dallas, TX 75265-0856

☒ Regular Monthly payment:

Caliber Home Loans, Inc.
P.O. Box 650856
Dallas, TX 75265-0856

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification

shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

☒ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief and Response to Motion to Reinstate Automatic Stay.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Rosemarie Traynor
DebtorCase No. 19-28352-JKS
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Jun 17, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 19, 2020.

db +Rosemarie Traynor, 26 Plymouth Place, Roseland, NJ 07068-1309

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 19, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 17, 2020 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF11 MASTER PARTICIPATION TRUST nj.bkecf@fedphe.com

Camille J Kassar on behalf of Debtor Rosemarie Traynor ckassar@locklawyers.com,
kassarcr75337@notify.bestcase.com,bbkconsultantllc@gmail.comDenise E. Carlon on behalf of Creditor M&T Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com

Marie-Ann Greenberg magecf@magtrustee.com

Melanie Carmela Grimes on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF11 MASTER PARTICIPATION TRUST nj.bkecf@fedphe.com

Rebecca Ann Solarz on behalf of Creditor M&T Bank rsolarz@kmlawgroup.com

Robert Davidow on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF11 MASTER PARTICIPATION TRUST nj.bkecf@fedphe.com

Sherri Jennifer Smith on behalf of Creditor LSF11 MASTER PARTICIPATION TRUST, BY CALIBER HOME LOANS, INC., SOLELY IN ITS CAPACITY AS SERVICER nj.bkecf@fedphe.com, nj.bkecf@fedphe.com

Sherri Jennifer Smith on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF11 MASTER PARTICIPATION TRUST nj.bkecf@fedphe.com, nj.bkecf@fedphe.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10